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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,282	08/31/2001	Lucas Merrow	57622-048 (ELZK-8)	3806

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EXAMINER
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ART UNIT	PAPER NUMBER
2697	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/945,282	MERROW ET AL.
	Examiner	Art Unit	
	Md Shafiul Alam Elahee	2697	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _5_ .	6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-7 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Matthews et al. (U.S. Patent No. 4,761,807) and in view of Bartholomew et al. (U.S. Patent No.

6,167,119).

      Regarding claims 1 and 11, Matthews teaches providing, with VMS, a call to a telephone

station (col.83, lines 30-34; 'providing' reads on the claim 'placing', 'VMS' reads on the

claimed 'an automated calling system' and 'a call to a telephone station' reads on the claim 'a

telephone call to a location having a telephone number at which a target person is listed').

      Matthews further teaches playing a name announcement which asks for the recipient's

I.D. (fig. 40; col.83, lines 30-62; 'name announcement' reads on the claimed 'a prerecorded

greeting prompt' and 'recipient's I.D.' reads on the claim 'target person').

      Matthews fails to teach, "receiving a spoken response from an answering person".

Bartholomew teaches receiving a spoken response from an answering party (col.43, lines 62-67,

col.44, lines 1-12; 'party' reads on the claim 'person'). Thus, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify Matthews to allow

receiving a spoken response from an answering person as taught by Bartholomew.   The

motivation for the modification is to have the spoken response in order to identify the answering

person without requiring the pressing of his DTMF keypad.

Matthews fails to teach, "performing a speech recognition analysis on said spoken

response to determine a status of said spoken response". Bartholomew teaches voice

authentication module comparing the extracted speech information to stored pattern information

to identify and authenticate the particular answering party (col.44, lines 1-12; 'voice

authentication module comparing the extracted speech information to stored pattern information'

reads on the claim 'performing a speech recognition analysis on said spoken response' and

'identify and authenticate the particular answering party' reads on the claim 'determine a status

of said spoken response'). Thus, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify Matthews to allow speech recognition analysis to

determine the target person as taught by Bartholomew. The motivation for the modification is to

have the speech recognition analysis in order to make a selection without requiring the person

who answers the call to press his DTMF keypad.

Matthews further fails to teach, "if said speech recognition analysis determines that said

answering person is said target person, initiating a speech recognition application with said target

person". Bartholomew teaches that if voice authentication module determines that the answering

party is the called subscriber, monitoring the conversation with the called subscriber (col.44,

lines 1-12, 31-63; 'voice authentication module' reads on the claim 'speech recognition

analysis', 'answering party is the called subscriber' reads on the claim 'said answering person is

said target person' and 'monitoring the conversation with the called subscriber' reads on the

claim 'initiating a speech recognition application with said target person'). Thus, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify

Matthews to allow the answering person as the target person as taught by Bartholomew. The

motivation for the modification is to have the determination in order to keep the secrecy of the

call.

Regarding claims 2 and 12, Matthews fails to teach, "if said speech recognition analysis

determines that said spoken response indicates that said answering person is not said target

person, a next step comprises initiating a prerecorded query asking for said target person".

Bartholomew teaches that if voice authentication module determines that the spoken response

indicates that the answering party is not the called subscriber, a next step comprises asking for

the harassed party (col.44, lines 1-12, col.45, lines 28-52; 'voice authentication module' reads on

the claim 'speech recognition analysis', 'the answering party is not the called subscriber' reads

on the claim 'said answering person is not said target person' and 'asking for the harassed party'

reads on the claim 'initiating a prerecorded query asking for said target person'). Thus, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Matthews to allow speech recognition analysis determining that the answering person is

not said target person as taught by Bartholomew. The motivation for the modification is to have

the speech recognition analysis in order to make sure that the target person is answering the

phone.

Regarding claims 3 and 13, Matthews further fails to teach, "upon said target person

answering said telephone call, said method further comprises initiating a speech recognition

application with said target person". Bartholomew teaches that upon the called subscriber

answering the telephone, the method further comprises monitoring the conversation with the

called subscriber (col.44, lines 1-12, 31-63, col.45, lines 28-52; 'the called subscriber answering the telephone' reads on the claim 'upon said target person answering said telephone call' and 'monitoring the conversation with the called subscriber' reads on the claim 'initiating a speech recognition application with said target person'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to allow the answering person as the target person as taught by Bartholomew. The motivation for the modification is to have the determination in order to keep the secrecy of the call.

Regarding claims 4 and 14, Matthews further fails to teach, "said target person is not present at said location, a next step comprises initiating a prerecorded query asking to leave a message for said target person". Bartholomew teaches that the called subscriber is not answering the telephone, a next step comprises initiating an answering prompt message to the caller to record a message from the caller (col.44, lines 1-12, 31-63, col.45, lines 28-52, col.47, lines 33-39; 'the called subscriber is not answering the telephone' reads on the claim 'said target person is not present at said location' and 'an answering prompt message to the caller to record a message from the caller' reads on the claim 'a prerecorded query asking to leave a message for said target person'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to allow initiating a prerecorded query asking to leave a message for said target person as taught by Bartholomew. The motivation for the modification is to have the initiation in order to record the message for later retrieval.

Regarding claims 5 and 15, Matthews further teaches instructing the user (col.84, lines 21-36; 'instructing the user' reads on the claim 'providing a prerecorded message' to said answering person').

Regarding claims 6 and 16, Matthews further fails to teach, "if said speech recognition analysis determines that said spoken response is a hold request, a next step comprises entering a wait state to wait for said target person to provide a spoken response to said telephone call". Bartholomew teaches if voice authentication module determines that the spoken response is a hold request, a next step comprises entering a hold sequence to wait for the answering party to provide a spoken response to the telephone (col.44, lines 1-12, 31-63, col.45, lines 28-52, col.46, lines 1-5, col.47, lines 53-67; 'voice authentication module' reads on the claim 'speech recognition analysis', 'hold sequence' reads on the claim 'wait state', 'answering party' reads on the claim 'target person' and 'telephone' reads on the claim 'telephone call'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to allow spoken response as a hold request as taught by Bartholomew. The motivation for the modification is to have the hold request in order to get the target person.

Regarding claims 7 and 17, Matthews fails to teach "upon said target person providing a spoken response to said telephone call, said method further comprises initiating a speech recognition application with said target person". Bartholomew teaches that upon the called subscriber answering the telephone, the method further comprises monitoring the conversation with the called subscriber (col.44, lines 1-12, 31-63, col.45, lines 28-52; 'the called subscriber answering the telephone' reads on the claim 'upon said target person providing a spoken response to said telephone call' and 'monitoring the conversation with the called subscriber' reads on the claim 'initiating a speech recognition application with said target person'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to allow target person providing a spoken response to telephone call after

being available as taught by Bartholomew. The motivation for the modification is to allow the system to deliver the message to the particular person to keep the secrecy of the message.

3.   Claims 8, 10, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews et al.(U.S. Patent No. 4,761,807) and in view of Bartholomew et al.(U.S. Patent No. 5,594,791) and further in view of Miner et al.(U.S. Patent No. 5,652,789).

Regarding claims 8 and 18, Matthews in view of Bartholomew fail to teach "if said speech recognition analysis determines that said spoken response is a request for the identity of the entity responsible for the calling system, the method further comprises initiating a prerecorded response indicating the identity of the calling party". Miner teaches the system attempting to recognize the caller by playing prerecorded response (col.7, lines18-37). If the system succeeds in recognizing the caller on the basis of his phone number, it then plays the prerecorded message and stores the identity of the contact (col.7, lines 38-50). It then attempts to locate the subscriber (col.7, lines 51-56). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews in view of Bartholomew to allow the system to identity the entity responsible for the calling system and to initiate a prerecorded response indicating the identity of the calling party as taught by Miner. The motivation for the modification is to allow the calling system to provide identity of the calling party and the target person.

Regarding claims 10 and 20, Matthews in view of Bartholomew fail to teach "if said speech recognition analysis cannot determine a status of said spoken response, said method further comprises repeating, said prerecorded greeting which asks for the target person". Miner further teaches electronic assistant mediating the connection when a contact tries to reach the

subscriber (col.2, lines 20-22) and performing a speech recognition analysis on spoken response

of the subscriber (col.6, lines 26-37). If the subscriber is not accepting any calls (col.7, lines

66,67), the system plays a prerecording message (col.8, lines 1,2). The system may also send a

message notifying the subscriber of the call and identifying the caller (col.8, lines 33-35). Then

the subscriber has the option of accepting the call, asking the system to place the caller on hold

while he completes his present call (col.8, lines 36-39). When the subscriber has completed his

other call, he instructs the system to establish a direct connection with the new caller (col.8, lines

40-49). Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Matthews in view of Bartholomew to allow the system to repeat

prerecorded greeting which asks for the target person if the speech recognition analysis cannot

determine a status of spoken response as taught by Miner. The motivation for the modification is

to allow the calling system to make sure the availability of the target person.

4.   Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Matthews et al. (U.S. Patent No. 4,761,807) and in view of Bartholomew et al. (U.S. Patent No.

6,167,119) and further in view of Szlam et al. (U.S. Patent No. 5,828,731).

Regarding claims 9 and 19, Matthews in view of Bartholomew fail to teach "said

telephone number is not the correct number for the target person, the method further comprises

initiating a prerecorded apology message and terminating said telephone call". Szlam teaches

that a wrong number was made, the method further comprises playing an apology message and

terminating the call terminating the call (col.2, lines 51-58, fig. 2B; 'a wrong number was made'

reads on the claim 'said telephone number is not the correct number for the target person' and

'playing an apology message and terminating the call terminating the call' reads on the claim

'initiating a prerecorded apology message and terminating said telephone call'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews in view of Bartholomew to play an apology message as taught by Szlam. The motivation for the modification is to have initiating a prerecorded apology message in order to generate an apology message to the call recipient for apologying for the wrong call.

5.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews et al. (U.S. Patent No. 4,761,807) and in view of Bartholomew et al. (U.S. Patent No. 6,167,119) and further in view of Miner et al. (U.S. Patent No. 5,652,789) and further in view of Szlam et al. (U.S. Patent No. 5,828,731).

Regarding claims 21(A)-21(D), Matthews teaches providing, with VMS, a call to a telephone station (col.83, lines 30-34; 'providing' reads on the claim 'placing', 'VMS' reads on the claimed 'an automated calling system' and 'a call to a telephone station' reads on the claim 'a telephone call to a location having a telephone number at which a target person is listed').

Matthews further teaches playing a name announcement which asks for the recipient's I.D. (fig. 40; col.83, lines 30-62; 'name announcement' reads on the claimed 'a prerecorded greeting prompt' and 'recipient's I.D.' reads on the claim 'target person').

Matthews fails to teach, "receiving a spoken response from an answering person". Bartholomew teaches receiving a spoken response from an answering party (col.43, lines 62-67, col.44, lines 1-12; 'party' reads on the claim 'person'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to allow receiving a spoken response from an answering person as taught by Bartholomew. The

motivation for the modification is to have the spoken response in order to identify the answering

person without requiring the pressing of his DTMF keypad.

Matthews fails to teach, "performing a speech recognition analysis on said spoken

response to determine a status of said spoken response". Bartholomew teaches voice

authentication module comparing the extracted speech information to stored pattern information

to identify and authenticate the particular answering party (col.44, lines 1-12; 'voice

authentication module comparing the extracted speech information to stored pattern information'

reads on the claim 'performing a speech recognition analysis on said spoken response' and

'identify and authenticate the particular answering party' reads on the claim 'determine a status

of said spoken response'). Thus, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify Matthews to allow speech recognition analysis to

determine the target person as taught by Bartholomew. The motivation for the modification is to

have the speech recognition analysis in order to make a selection without requiring the person

who answers the call to press his DTMF keypad.

Regarding claim 21(E)(a), Matthews further fails to teach, "if said speech recognition

analysis determines that said answering person is said target person, initiating a speech

recognition application with said target person". Bartholomew teaches that if voice

authentication module determines that the answering party is the called subscriber, monitoring

the conversation with the called subscriber (col.44, lines 1-12, 31-63; 'voice authentication

module' reads on the claim 'speech recognition analysis', 'answering party is the called

subscriber' reads on the claim 'said answering person is said target person' and 'monitoring the

conversation with the called subscriber' reads on the claim 'initiating a speech recognition

application with said target person'). Thus, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify Matthews to allow the answering person as

the target person as taught by Bartholomew. The motivation for the modification is to have the

determination in order to keep the secrecy of the call.

Regarding claim 21(E)(b), Matthews fails to teach, "if said speech recognition analysis

determines that said spoken response indicates that said answering person is not said target

person, a next step comprises initiating a prerecorded query asking for said target person".

Bartholomew teaches that if voice authentication module determines that the spoken response

indicates that the answering party is not the called subscriber, a next step comprises asking for

the harassed party (col.44, lines 1-12, col.45, lines 28-52; 'voice authentication module' reads on

the claim 'speech recognition analysis', 'the answering party is not the called subscriber' reads

on the claim 'said answering person is not said target person' and 'asking for the harassed party'

reads on the claim 'initiating a prerecorded query asking for said target person'). Thus, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Matthews to allow speech recognition analysis determining that the answering person is

not said target person as taught by Bartholomew. The motivation for the modification is to have

the speech recognition analysis in order to make sure that the target person is answering the

phone.

Matthews further fails to teach, "upon said target person answering said telephone call,

said method further comprises initiating a speech recognition application with said target

person". Bartholomew teaches that upon the called subscriber answering the telephone, the

method further comprises monitoring the conversation with the called subscriber (col.44, lines 1-

12, 31-63, col.45, lines 28-52; 'the called subscriber answering the telephone' reads on the claim 'upon said target person answering said telephone call' and 'monitoring the conversation with the called subscriber' reads on the claim 'initiating a speech recognition application with said target person'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to allow the answering person as the target person as taught by Bartholomew. The motivation for the modification is to have the determination in order to keep the secrecy of the call.

Regarding claim 21(E)(c), Matthews fails to teach, "said target person is not present at said location, a next step comprises initiating a prerecorded query asking to leave a message for said target person". Bartholomew teaches that the called subscriber is not answering the telephone, a next step comprises initiating an answering prompt message to the caller to record a message from the caller (col.44, lines 1-12, 31-63, col.45, lines 28-52, col.47, lines 33-39; 'the called subscriber is not answering the telephone' reads on the claim 'said target person is not present at said location' and 'an answering prompt message to the caller to record a message from the caller' reads on the claim 'a prerecorded query asking to leave a message for said target person'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to allow initiating a prerecorded query asking to leave a message for said target person as taught by Bartholomew. The motivation for the modification is to have the initiation in order to record the message for later retrieval.

Regarding claim 21(E)(d), Matthews fails to teach, "if said speech recognition analysis determines that said spoken response is a hold request, a next step comprises entering a wait state to wait for said target person to provide a spoken response to said telephone call". Bartholomew

teaches if voice authentication module determines that the spoken response is a hold request, a next step comprises entering a hold sequence to wait for the answering party to provide a spoken response to the telephone (col.44, lines 1-12, 31-63, col.45, lines 28-52, col.47, lines 53-67, col.46, lines 1-5; 'voice authentication module' reads on the claim 'speech recognition analysis', 'hold sequence' reads on the claim 'wait state', 'answering party' reads on the claim 'target person' and 'telephone' reads on the claim 'telephone call'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to allow spoken response as a hold request as taught by Bartholomew. The motivation for the modification is to have the hold request in order to get the target person.

Matthews further fails to teach "upon said target person providing a spoken response to said telephone call, said method further comprises initiating a speech recognition application with said target person". Bartholomew teaches that upon the called subscriber answering the telephone, the method further comprises monitoring the conversation with the called subscriber (col.44, lines 1-12, 31-63, col.45, lines 28-52; 'the called subscriber answering the telephone' reads on the claim 'upon said target person providing a spoken response to said telephone call' and 'monitoring the conversation with the called subscriber' reads on the claim 'initiating a speech recognition application with said target person'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to allow target person providing a spoken response to telephone call after being available as taught by Bartholomew. The motivation for the modification is to allow the system to deliver the message to the particular person to keep the secrecy of the message.

Regarding claim 21(E)(e), Matthews in view of Bartholomew fail to teach "if said speech recognition analysis determines that said spoken response is a request for the identity of the entity responsible for the calling system, the method further comprises initiating a prerecorded response indicating the identity of the calling party". Miner teaches the system attempting to recognize the caller by playing prerecorded response (col.7, lines18-37). If the system succeeds in recognizing the caller on the basis of his phone number, it then plays the prerecorded message and stores the identity of the contact (col.7, lines 38-50). It then attempts to locate the subscriber (col.7, lines 51-56). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews in view of Bartholomew to allow the system to identity the entity responsible for the calling system and to initiate a prerecorded response indicating the identity of the calling party as taught by Miner. The motivation for the modification is to allow the calling system to provide identity of the calling party and the target person.

Regarding claims 21(E)(f), Matthews in view of Bartholomew fail to teach "said telephone number is not the correct number for the target person, the method further comprises initiating a prerecorded apology message and terminating said telephone call". Szlam teaches that a wrong number was made, the method further comprises playing an apology message and terminating the call terminating the call (col.2, lines 51-58, fig. 2B; 'a wrong number was made' reads on the claim 'said telephone number is not the correct number for the target person' and 'playing an apology message and terminating the call terminating the call' reads on the claim 'initiating a prerecorded apology message and terminating said telephone call'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Matthews in view of Bartholomew to play an apology message as taught by Szlam. The motivation for the modification is to have initiating a prerecorded apology message in order to generate an apology message to the call recipient for apologying for the wrong call.

Regarding claims 21(E)(g), Matthews in view of Bartholomew fail to teach "if said speech recognition analysis cannot determine a status of said spoken response, said method further comprises repeating, said prerecorded greeting which asks for the target person". Miner further teaches electronic assistant mediating the connection when a contact tries to reach the subscriber (col.2, lines 20-22) and performing a speech recognition analysis on spoken response of the subscriber (col.6, lines 26-37). If the subscriber is not accepting any calls (col.7, lines 66,67), the system plays a prerecording message (col.8, lines 1,2). The system may also send a message notifying the subscriber of the call and identifying the caller (col.8, lines 33-35). Then the subscriber has the option of accepting the call, asking the system to place the caller on hold while he completes his present call (col.8, lines 36-39). When the subscriber has completed his other call, he instructs the system to establish a direct connection with the new caller (col.8, lines 40-49). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews in view of Bartholomew to allow the system to repeat prerecorded greeting which asks for the target person if the speech recognition analysis cannot determine a status of spoken response as taught by Miner. The motivation for the modification is to allow the calling system to make sure the availability of the target person.

6.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews et al.(U.S. Patent No. 4,761,807) and in view of Bartholomew et al.(U.S. Patent No. 6,167,119) and further in view of Szlam et al.(U.S. Patent No. 5,828,731).

Regarding claim 22, Matthews teaches providing, with VMS, a call to a telephone station (col.83, lines 30-34; 'providing' reads on the claim 'placing', 'VMS' reads on the claimed 'an automated calling system' and 'a call to a telephone station' reads on the claim 'a telephone call to a location having a telephone number at which a target person is listed').

Matthews further fails to teach, "waiting for a predetermined time period for a spoken response". Bartholomew teaches waiting for the answering party to provide a spoken response to the telephone (col.44, lines 1-12, 31-63, col.45, lines 28-52, col.47, lines 53-67, col.46, lines 1-5; 'waiting for the answering party' reads on the claim 'waiting for a predetermined time period' and 'telephone' reads on the claim 'telephone call'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to allow waiting for a predetermined time period for a spoken response as taught by Bartholomew. The motivation for the modification is to have the waiting request in order to get the target person.

Matthews further teaches playing a name announcement which asks for the recipient's I.D. (fig. 40; col.83, lines 30-62; 'name announcement' reads on the claimed 'a prerecorded greeting prompt' and 'recipient's I.D.' reads on the claim 'target person').

Matthews further fails to teach, "while playing said prerecorded greeting prompt, attempting to detect a further spoken response in excess of a predetermined time parameter". Bartholomew teaches while playing the instruction, attempting to detect a further spoken response in excess of a holding time (col.44, lines 1-12, 31-63, col.45, lines 28-52, col.46, lines 1-5; 'instruction' reads on the claim 'prerecorded greeting prompt' and 'holding time' reads on the claim 'predetermined time parameter'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to allow attempting to

detect a further spoken response in excess of a predetermined time parameter as taught by Bartholomew. The motivation for the modification is to have the detection in order to get the spoken response of the target person.

Matthews further fails to teach, "in the absence of detecting said further spoken response during the playing of said prerecorded greeting prompt, initiating a query application". Bartholomew teaches in the absence of detecting the further spoken response during the playing of the instruction, initiating a call handling instruction (col.44, lines 1-12, 31-63, col.45, lines 28-52, col.46, lines 1-5; 'instruction' reads on the claim 'prerecorded greeting prompt' and 'call handling instruction' reads on the claim 'query application'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to allow initiating a query application as taught by Bartholomew. The motivation for the modification is to have the initiation in order to get the target person.

Matthews further fails to teach, "upon detecting said further spoken response during the playing of said prerecorded greeting prompt, terminating the playing of said prerecorded prompt". Bartholomew teaches upon detecting the further spoken response during the playing of the instruction, terminating the playing of instruction (col.44, lines 1-12, 31-63, col.45, lines 28-52, col.46, lines 1-5; 'instruction' reads on the claim 'prerecorded greeting prompt'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to allow initiating a query application as taught by Bartholomew. The motivation for the modification is to have the initiation in order to get the target person.

Matthews in view of Bartholomew fails to teach "an answering machine has been detected". Szlam teaches that an answering machine has been detected (abstract; fig.1; col.3,

lines 11-50, col.5, lines 4-23). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews in view of Bartholomew to allow an answering machine to be detected as taught by Szlam. The motivation for the modification is to have the detection in order to leave the message for the desired person.

7.   Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews et al.(U.S. Patent No. 4,761,807) and in view of Bartholomew et al.(U.S. Patent No. 6,167,119) and further in view of Szlam et al.(U.S. Patent No. 5,828,731) and further in view of Brown et al.(U.S. Patent No. 5,333,180).

Regarding claim 23, Matthews in view of Bartholomew further in view of Szlam fails to teach "attempting to detect a beep tone during the playing of said prerecorded greeting prompt and, upon the detection of a beep tone, interrupting the prerecorded greeting prompt". Brown teaches tone prompting for the recording of the recipient's response during playing an announcement and upon detecting the tone, inherently interrupting the announcement (fig.4; col.14, lines 45-66; 'tone prompting for the recording of the recipient's response' reads on the claim 'detect a beep tone' and 'announcement' reads on the claim 'said prerecorded greeting prompt'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews in view of Bartholomew further in view of Szlam to allow detecting a beep tone and interrupting the prerecorded greeting prompt as taught by Brown. The motivation for the modification is for doing so in order to provide the option to leave the message for the desired person.

However, Matthews fails to teach "playing a prerecorded answering machine message prompt". Szlam teaches that answering machine answers the call (fig.1; col. 5, lines 4-23;

'answering machine answers the call' reads on the claimed 'playing a prerecorded answering machine message prompt'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to play a prerecorded answering machine message prompt as taught by Szlam. The motivation for the modification is to play the prompt in order to ask the calling party to leave the message for the called party.

Regarding claim 24, Matthews in view of Bartholomew further in view of Szlam fails to teach "attempting to detect a beep tone during the playing of said prerecorded answering machine message prompt and, upon the detection of a beep tone, interrupting said prerecorded answering machine message prompt". Brown teaches tone prompting for the recording of the recipient's response during playing an announcement and upon detecting the tone, inherently interrupting the announcement (fig.4; col.14, lines 45-66; 'tone prompting for the recording of the recipient's response' reads on the claim 'detect a beep tone' and 'announcement' reads on the claim 'said prerecorded answering machine message prompt'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews in view of Bartholomew further in view of Szlam to allow detecting a beep tone and interrupting the prerecorded greeting prompt as taught by Brown. The motivation for the modification is for doing so in order to provide the option to leave the message for the desired person.

However, Matthews fails to teach "replaying said prerecorded prompt". Szlam teaches that answering machine answers the call (fig.1; col. 5, lines 4-23; 'answering machine answers the call' reads on the claimed 'replaying said prerecorded prompt'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to replay a prerecorded answering machine message prompt as taught by Szlam. The motivation

for the modification is to replay the prompt in order to ask the calling party to leave the message

for the called party.

Response to Arguments

8.   Applicant's arguments mailed on 01/13/03 have been fully considered but they are not

persuasive.

Applicant's arguments with respect to claims 1, 11, 21 and 22 have been considered but

are moot in view of the new ground(s) of rejection.

In view of the Applicant's remarks, it is agreed that Brown does not teach the capability

of determining, in an automated fashion, if the person who answers the call is the intended

recipient and cannot determine whether the answering party is the intended recipient in a

completely automated fashion as disclosed in claims 1 and 11. Thus a new ground of rejection of

Matthews in view of Bartholomew is applied above.

In view of the Applicant's remarks, it is also agreed that Brown does not require to make

any selection without requiring the person who answers the call to press his DTMF keypad as

disclosed in claims 1 and 11. Thus a new ground of rejection of Matthews in view of

Bartholomew is applied above.

In view of the Applicant's remarks, it is also agreed that Szlam et al. do not, and cannot,

determine whether the answering party is the intended customer through the use of speech

recognition as disclosed in claims 1 and 11. Thus a new ground of rejection of Matthews in view

of Bartholomew is applied above.

In view of the Applicant's remarks, it is also agreed that Brown teaches "voice

recognition equipment" which has nothing to do with analyzing any spoken input received from

the answerer of the call as disclosed in claim 21. Thus a new ground of rejection of Matthews in view of Bartholomew further in view of Miner and further in view of Szlam is applied above.

In view of the Applicant's remarks, it is also agreed that Szlam does not teach the combination of steps recited in independent claim 22. Thus a new ground of rejection of Matthews in view of Bartholomew further in view of Szlam is applied above.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-9600.

M. E.
MD SHAFIUL ALAM ELAHEE
April 4, 2003

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